

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**IN RE:**

**CHRISTOPHER D. WYMAN  
*Debtor(s),***

**ADV. NO: 20-03012**

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**SAMUEL D. SWEET, Individually and as Trustee,  
Plaintiff, Counter Defendant**

**CASE NO. 12-32264  
CHAPTER 7**

**v.**

**MICHAEL E. TINDALL, Individually and as 100% Assignee of  
Barbara Duggan**

**Defendant, Counter Plaintiff.**

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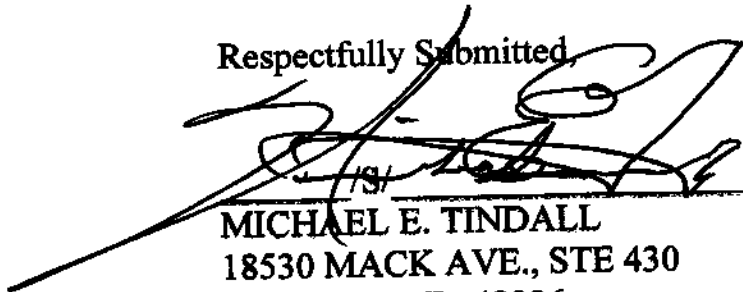
**NOTICE OF UNRESOLVED ISSUES  
AND IMPROPER CLOSING OF CASE**

MICHAEL E. TINDALL, (hereinafter "Claimant"), Assignee of all [100%] claims of BARBARA DUGGAN (\$32,240.34); and, an independent party in interest holding a separate secured attorney lien (\$34,100.00/\$21,869.33) against the proceeds of the Realty (hereinafter "allowed secured claim"), and for this NOTICE states:

1. On March 17, 2021, this Court entered Opinions and Orders DEs 72, 78, 79, 80, 81 and 82 as to various issues, including Defendants Counterclaims. On September 20, 2021, this Court entered DE 91, Denying Defendant's timely filed Motion to Alter and Amend.
2. Thereafter, on December 6, 2021, without notice to the parties or Order from this Court, this case was improperly closed by the Court Clerk.

3. Defendants expressly refused consent to this Court adjudicating its Counterclaims, which involve “quit essential” Stern/Waldman counterclaims upon which this Court lacks constitutional authority, under Article III, to enter final judgment. DE 15, P15.
4. Because this Court lacks constitutional authority to adjudicate Defendants’ Counterclaims, under Stern and Waldman, this Court may not enter a final judgment in this matter, and must submit findings of fact and conclusions of law to the district court.
5. Moreover, to the extent that Plaintiff’s original claims/Complaint would be defeated or impacted by Defendants’ Counterclaims [as pled by Defendants in their Affirmative Defenses] DE 15, PP 3-4, this Court also cannot enter final judgment on Plaintiff’s Complaint [at least until the district court issues its decision].

Respectfully Submitted,



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Dated: 11/2/22

